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IMPLEMENTATION OF THE DECLARATION ON THE DENUCLEARIZATION OF AFRICA

Report of the Second Meeting of the Group of Experts to Examine the Modalities and Elements for the Preparation and Implementation of a Convention or Treaty on the Denuclearization of Africa 1/

Note by the Secretary-General

The General Assembly, in its resolution 46/34 B of 9 December 1991, inter alia, requested the Secretary-General, in consultation with the Organization of African Unity, "to take appropriate action to enable the Group of Experts designated by the United Nations in cooperation with the Organization of African Unity to meet during 1992, in order to complete its work as indicated in paragraph 37 of its report, 2/ and to submit the report of the Group of Experts to the General Assembly at its forty-seventh session".

The present report of the Group of Experts is submitted by the Secretary-General pursuant to paragraph 4 of the above-mentioned resolution.

1/ The term "denuclearization of Africa" does not prejudge the exact wording of the future treaty or convention; the purpose will be to establish a zone free of nuclear weapons.

2/ Document A/C.1/46/9.

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ANNEX

Report of the Second Meeting of the Group of Experts to Examine the Modalities and Elements for the Preparation and Implementation of a Convention or Treaty on the Denuclearization of Africa

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Letter of transmittal dated 7 October 1992 from the Chairman of the Second Meeting of the Group of Experts to Examine the Modalities and Elements for the Preparation and Implementation of a Convention or Treaty on the Denuclearization of Africa addressed to the Secretary-General

I have the honour to submit herewith the report of the Second Meeting of the Group of Experts to Examine the Modalities and Elements for the Preparation and Implementation of a Convention or Treaty on the Denuclearization of Africa. The Group was appointed by you in pursuance of General Assembly resolution 46/34 B of 9 December 1991.

The experts appointed by you were the following:

Dr. Ahmed Benyamina
Director of the Strategic Planning Department
Ministry of Foreign Affairs, Algeria

Ambassador Fathi Marei
Adviser on Disarmament Issues to the
Minister of Foreign Affairs, Egypt

Ambassador Oluyemi Adeniji
Director General
Ministry of Foreign Affairs, Nigeria

Mrs. Liberata Mulamula
Director of Africa Department
Ministry of Foreign Affairs,
United Republic of Tanzania

Mr. Bagbeni Adeito Nzengeya
Minister of Foreign Affairs, Zaire

Mr. Gift Punungwe
Director of Africa Department
Ministry of Foreign Affairs, Zimbabwe

Ambassador Ibrahim Sy
Executive Secretary,
Office of the Organization of African Unity,
New York

Colonel Gustav Zoula
Chief of Section in the Political Department
Organization of African Unity, Addis Ababa

Ms. Bronte Moules
Alternate Representative of Australia
Delegation to the Conference on Disarmament,
Geneva

Mrs. Odette Jankowisch
Representative of the Division of Legal Affairs
International Atomic Energy Agency, Vienna

The Second Meeting of the Group of Experts, which was organized by the Office for Disarmament Affairs in cooperation with the Organization of African Unity, was held in Lomé from 28 to 30 April 1992.

The members of the Group of Experts wish to express their appreciation for the assistance that they received from staff members of the Secretariat of the United Nations. They wish, in particular, to convey their thanks to Mr. Sola Ogunbanwo, Senior Coordinator of the United Nations Disarmament Fellowship, Training and Advisory Service Programme, for the valuable and special advice given to the Group.

I have been requested by the Group of Experts, as its Chairman, to submit to you, on its behalf, this report, which was unanimously endorsed.

(Signed) Ambassador Oluyemi ADENIJI
Chairman of the Group of Experts
to Examine the Modalities and
Elements for the Preparation and
Implementation of a Convention
or Treaty on the Denuclearization
of Africa

REPORT OF THE SECOND MEETING OF THE GROUP OF EXPERTS TO EXAMINE THE MODALITIES AND ELEMENTS FOR THE PREPARATION AND IMPLEMENTATION OF A CONVENTION OR TREATY ON THE DENUCLEARIZATION OF AFRICA a/

I. INTRODUCTION

1. In its resolution 46/34 B of 9 December 1991, the General Assembly of the United Nations, bearing in mind resolution CM 1342 (LIV), inter alia, requested the Secretary-General, in consultation with the Organization of African Unity, "to take appropriate action to enable the Group of Experts designated by the United Nations in cooperation with the Organization of African Unity to meet during 1992, in order to complete its work as indicated in paragraph 37 of its report, b/ and to submit the report of the Group of Experts to the General Assembly at its forty-seventh session.

2. The meeting, which was organized by the Office for Disarmament Affairs of the United Nations in cooperation with the Organization of African Unity (OAU), was held in Lomé from 28 to 30 April 1992. The United Nations Regional Centre for Peace and Disarmament in Africa, which is located in Lomé, also provided assistance and support. His Excellency Mr. Payadowa Boukpessi, Minister of Trade and Transport of the Republic of Togo, acting on behalf of the Minister for Foreign Affairs, declared the meeting open. Mr. Boukpessi delivered an opening address which was followed by statements by H.E. Ambassador Ibrahim Sy, Executive Secretary, OAU, New York, and by Mr. Sola Ogunbanwo, Senior Coordinator of the United Nations Disarmament Fellowship, Training and Advisory Services Programme.

3. The following experts participated in the meeting: Dr. Ahmed Benyamina, Director of the Strategic Planning Department in the Algerian Ministry of Foreign Affairs; Ambassador Fathi Marei, Adviser on Disarmament Issues to the Egyptian Minister for Foreign Affairs; Mr. Oluyemi Adeniji, Director General of the Nigerian Ministry of Foreign Affairs; Mrs. Liberata Mulamula, Director of the Africa Department in the Tanzanian Ministry of Foreign Affairs; Mr. Bagbeni Adeito Nzengeya, Minister for Foreign Affairs of Zaire; Mr. Gift Punungwe, Director of the Africa Department in the Zimbabwean Ministry of Foreign Affairs; Ambassador Ibrahim Sy, Executive Secretary of the OAU Office in New York; and Colonel Gustave Zoula, Chief of Section in the Political Department of OAU in Addis Ababa.

4. Miss Bronte Moules, alternate representative on the Australian delegation to the Conference on Disarmament, Geneva, and Mrs. Odette Jankowisch, representative of the Division of Legal Affairs of the International Atomic Energy Agency, Vienna, attended the meeting as expert observers.

5. Representatives of the following countries attended the meeting as observers: Nigeria, Togo.

6. The meeting re-elected the officers who had been elected at the first meeting of the group of experts.

II. REPORT OF THE MEETING OF EXPERTS

7. Following the opening ceremony, the experts adopted the following agenda:

1. Modalities and elements for the preparation and implementation of a convention or treaty on the denuclearization of Africa:

   (a) Relationship of the convention or treaty with other international agreements and similar zones;

   (b) Various clauses concerning, for instance, signing, ratification, entry into force, duration, reservations, amendments, withdrawal and the depositary organ.

2. Recommendations.

3. Other matters.

4. Consideration and adoption of the report.

5. Closure of the meeting.

8. With regard to the first item on the agenda, concerning the relationship of the convention or treaty with other international agreements and similar zones, the experts agreed that it was important to start by looking at the treaties establishing similar zones, specifically the Treaties of Tlatelolco and Rarotonga, in order to evaluate how they benefited States parties and to draw from them the elements most useful for the implementation of the convention or treaty on the denuclearization of Africa. The experts were of the opinion that the Charter of the United Nations, specifically its principles and purposes, was a vital reference for the future convention or treaty. It must be carefully evaluated and studied to see in what way the responsibility and commitment of the Security Council and the General Assembly would be involved in guaranteeing universal respect for the denuclearized status of Africa which would be established by the treaty or convention.

9. The Charter of the Organization of African Unity is also, in their view, a reference document of the utmost importance. It was pointed out that OAU would necessarily play a central role at all stages of the preparation and implementation of the treaty or convention and that it would, moreover, be the depositary organ. It would also be very closely involved in any machinery that might be proposed to deal with monitoring and verification of, and compliance with, the convention or treaty, and with the vital aspect of promoting cooperation, and developing research in and utilization of nuclear energy exclusively for purposes of economic and social development. From that standpoint, the relations to be established with IAEA in the context of the convention or treaty would also be of particular importance.

10. The experts also tackled the issue of extending concerns relating to the security of Africa to other areas; implementation of a convention or treaty on the denuclearization of Africa could not, of course, deal with all those

concerns on its own. Particular mention was also made of the relationship which the convention or treaty would have with existing or future agreements in the field of the environment. Three agreements were mentioned in that connection, the one banning the dumping of radioactive waste in the marine environment (London Dumping Convention), c/ the one banning the dumping of toxic waste (Basel Convention) d/ and the Bamako Convention, e/ which bans the dumping of any toxic and radioactive waste, including those of foreign origin. The importance of this Convention, which is subject to ratification by the African countries, was especially underscored since it meets the particular needs of Africa in respect of environmental protection and cooperation. The experts also agreed on the importance of clearly delimiting the geographical zone to which the convention or treaty would be applicable, in specifying the obligations of maritime States and those of nuclear-weapon States.

11. With regard to the relationship with similar zones, it was noted that the process of establishing the denuclearized status of Africa was going on at the same time as efforts to establish a nuclear-weapon-free zone in the Middle East. Progress in the establishment of a nuclear-weapon-free zone in the Middle East would undoubtedly reduce the security fears of the States of north and east Africa in particular, and would thus strengthen peace and security in the region. Moreover, because of their geographical proximity, certain States of north Africa are involved in both processes. It is therefore important to bear that in mind and to make sure that the two processes are able to enhance the security of all African States. That is one of the issues which needs to be carefully studied in the future.

12. With respect to the procedure for signing, the experts agreed that the future convention or treaty should be submitted for signature to the annual conference of Heads of State or to a conference specifically convened for that purpose. The most straightforward and economical procedure would be to circulate the draft treaty or convention to all African States and for the Heads of States to then sign it at the OAU annual summit, as was done in the case of the treaty establishing the African Economic Community.

13. While the ratification procedure varies according to each country's domestic procedures, the important point is to establish the minimum number of ratifications needed for the entry into force of the convention or treaty. It would certainly be desirable for the instrument to enter into effect as early as possible and, at the same time, for it to be ratified by the largest possible number of countries, including the more significant countries, South Africa in particular. On the one hand there is a general concern not to see South Africa endowed with a quasi-veto power if its ratification is posed as a pre-condition for the entry into force of the treaty. On the other hand, it seems equally important for the treaty or convention to be applied in a credible and effective manner, which supposes that South Africa, the only State in Africa suspected of possessing a military nuclear capability, must of necessity be a party. Accordingly, the experts agreed that the number of ratifications required for the entry into force of the convention or treaty should be between one third and two thirds of the membership of OAU.

Nevertheless, further thought should be given to whether it is necessary in this context to consider the designation among that number of significant countries, including South Africa in particular.

14. Consideration was also given to the question of whether the entry into force of the convention or treaty should be made conditional upon ratification, by the nuclear-weapon States, of the Additional Protocol which would be intended for them. It was agreed that it would be desirable, in this circumstance, to study further the relevant procedures adopted under the Treaties of Rarotonga f/ and Tlatelolco. g/ Nevertheless, it was stressed that, given the geographical contiguity of Africa and the Middle East, there was a need to study further the question of ensuring compliance with the future convention or treaty by any State suspected of possessing nuclear weapons, other than the five States acknowledged as having nuclear weapons.

15. In taking up the question of the duration of the convention or treaty, the experts agreed that it should be of indefinite duration.

16. The experts also agreed, given the indefinite duration, on the need to provide for an amendment procedure. The procedure for the validation of a draft amendment, and its ratification and entry into force, could be the same as that applicable to the ratification and entry into force of the treaty itself.

17. With respect to the question of reservations to the convention or treaty, the experts were of the view that no reservation procedure should be provided for, which would correspond to an increasingly generalized trend. States will, of course, still be able to indicate their own interpretations at, for example, the time of ratification, but that would not have the same force as if there were an accepted reservation procedure.

18. Turning, lastly, to the question of withdrawal, the experts agreed that a State party should be able to withdraw from the convention or treaty. Nevertheless the conditions of withdrawal should be very strict, making it an exceptional event and difficult for States to envisage.

19. Further, in view of the interest and support for the meeting evinced by the United Nations Regional Centre for Peace and Disarmament in Africa, the experts stressed the importance for this institution of strengthening its support for efforts by the African countries and the Organization of African Unity aimed at promoting peace and security in Africa, finding a peaceful solution to conflicts and encouraging the adoption of disarmament measures.

III. RECOMMENDATIONS

20. The group of experts agreed to recommend that the Council of Ministers of the Organization of African Unity, should, in considering the action to be taken on this report, consider the following suggestions:

1. Decide to submit this report to the intergovernmental group of experts, the establishment of which was decided at its fifty-fourth session, and ask that group to begin formulating a convention or treaty on the denuclearization of Africa. The intergovernmental group of experts would have available in its work:

(a) The report of both meetings of the group of experts;

(b) The comments and contributions made by the Council of Ministers in its consideration of that report;

(c) The views of the member States of OAU to which the report would be addressed, which should reach the OAU secretariat no later than the end of December 1992.

2. Request the General Assembly of the United Nations, at its forty-seventh session, to consider the possibility of providing assistance to OAU so as to enable it to conclude this task.

Notes

a/ The term "denuclearization of Africa" does not prejudge the exact wording of the future treaty or convention; the purpose will be to establish a zone free of nuclear weapons.

b/ Document A/C.1/46/9.

c/ 1972 Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter.

d/ 1989 Convention on the Control of Transboundary Movement of Hazardous Wastes and Their Disposal.

e/ 1991 Convention on the Ban of the Import into Africa and the Control of Transboundary Movement and Management of Hazardous Wastes within Africa.

f/ 1985 South Pacific Nuclear Free Zone Treaty.

g/ 1967 Treaty for the Prohibition of Nuclear Weapons in Latin America.